

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JASON R. DOLLARHIDE)	
)	
Plaintiff,)	Case: 5:22-cv-642-PRW
)	
v.)	
)	
DENNIS DICKENS, et al.)	
)	
Defendants.)	

**UNOPPOSED MOTION FOR LEAVE OF THE COURT
TO FILE AN AMENDED COMPLAINT**

Plaintiff, by and through his attorney, CONRADY LAW, PLLC, by James A.

Conrady, moves the Court for Leave to file an Amended Complaint and in support thereof informs the Court as follows:

1. On 08/02/2022, the Plaintiff initially filed his case pro se. Plaintiff has now retained counsel and on 02/28/2023 his attorney filed his Entry of Appearance [Doc. # 20].

2. It is well established that a complaint must contain enough "facts to state a claim to relief that is plausible on its face" , and the factual allegations "must be enough to raise a right to relief above the speculative level." Once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint." For the purpose of making the determination, the Court accepts all the well-pleaded allegations of the complaint as true and construes the allegations in the light most favorable to the plaintiff. Twombly, 550 U.S. at 555;

Alvarado v. KOB-TV, L.L.C., 493 F.3d 1210, 1215 (10th Cir. 2007).

3. As filed and plead, this case will not likely survive Rule 12 (b) (6) pending Motions to Dismiss.

4. Counsel believes that the Plaintiff has viable causes of action under 42 U.S.C. § 1983, if properly plead according to the plausible standards under " Bell Atlantic Corp. v. Twombly and its progeny.

5. A properly plead Amended Complaint will be beneficial to all counsel and the Court to assist in the orderly prosecution of Plaintiff's claims and all of the appropriated defenses thereto.

6. It is in the interest of equity and the pursuit of justice to allow the Plaintiff to file a properly plead Amended Complaint, and then to determine if the Amended Complaint is sufficient to to survive any motions to dismiss so that the case my proceed with Answers filed, with a Scheduling Order and move on with discovery.

7. Plaintiff's counsel has contacted all counsel who have entered an appearance and all agree to allow the Plaintiff a reasonable time to file an Amended Complaint.

WHEREFORE, Plaintiff prays the Court for leave to file his Amended Complaint and requests a reasonable amount of time for Plaintiff's new counsel to sort out all of the actionable facts to support Plaintiff's claims and to prepare and file the Amended Complaint.

Dated this 2nd day of March, 2023.

Respectfully Submitted,

/s/ James A. Conrady

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COUNSEL FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I do hereby certify that on this 2nd day of March, 2023, a true and correct copy of the above and foregoing was filed and transmitted via CM/ECF to all registered attorneys:

/s/ James A. Conrady